

Awards for Outstanding Work Given at IERC/EMAI Conference

Thirteen of Indiana's Local Emergency Planning Committees (LEPCs) and four individuals were recognized for their outstanding performance by the Indiana Emergency Response Commission, at the 2003 Emergency Responder Conference.

The joint conference, held at the Marriott East Hotel from October 17-19, 2003, featured speakers from state, local and federal government agencies, as well as from the private sector.

The following LEPCs were recognized, under the auspices of the IERC's Awards Program, for projects of exceptional merit which were accomplished in 2002-2003.

Decatur County LEPC: Training

Henry County LEPC: Outreach to the Public

Jefferson County LEPC: Planning and Outreach to Facilities

Johnson County LEPC: Planning, Training, and Plan Exercise

Lake County LEPC: Plan Exercise, Outreach to the Public, Special Project, and Training

LaPorte County LEPC: Data Management and Hazard Analysis

Marion County LEPC: Outreach to the Public

Monroe County LEPC: Data Management

Pulaski County LEPC: Plan Exercise

Posey County LEPC: Plan Exercise

Vanderburgh County LEPC: Outreach to Facilities, and Two Special Projects

Vigo County LEPC: Planning, Plan Exercise, and Outreach to the Public

Wabash County LEPC: Commodity Flow Study and Outreach to the Public

Washington/Orange Regional LEPC: Hosting an

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The Chairman's Award of Excellence is presented posthumously for Orville Sullivan by Steve Wettschurak to Tina Double, Shirley Sullivan, and Barbara Collins



Greg Phillips Award recipient Ken Rogers (center) with IERC representatives (l-r) Sam George, Sherman Greer, Jim Pridgen, and Dave Crose

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CHAIRMAN'S CORNER

by Patrick R. Ralston, Chairman, Indiana Emergency Response Commission



The 2003 Emergency Responder Conference, held in conjunction with the Emergency

Management Alliance of Indiana, was one of the best attended ever. Participants were exposed to a wide variety of information concerning homeland security from experts representing such diverse areas as industry, law enforcement, emergency medical services, and volunteer organizations.

Ken Rogers received a special honor at the conference. He was named the Greg Phillips Award winner. The Phillips Award is presented to an outstanding individual who has contributed to community safety and the work of Local Emergency Planning Committees (LEPCs) and the Indiana Emergency Response Commission (IERC). Ken joined the Indiana Department of Environmental Management soon after SARA Title III was passed in 1986 and was deeply involved in the creation and success of the IERC, starting in 1988. He deserves our recognition.

My congratulations to the 15 LEPCs that received awards. Details and photos are available elsewhere in this edition. Meanwhile, plans are underway for the 2004 conference to be held in Indianapolis. We'll keep you up to date as we work out the details.

Special congratulations to the Jefferson County LEPC. It received the Region V Regional Response Team award for outstanding planning in 2003. The award was presented at January's IERC meeting.

At press time, the IERC was getting ready to take its next meeting on the road. My thanks to the Lake County LEPC for offering to host the March meeting at the Lake County Convention Center in Hammond.

The IERC is also planning its annual retreat to discuss LEPC issues and the best ways the state can assist local jurisdictions to reach their goals. The retreat is set for April 23rd at the Four Seasons Hotel and Conference Center in Nashville, Indiana.

In November 2003, Ian Ewusi-Wilson and Kathy Dayhoff-Dwyer attended the annual Region V State Emergency Response Commission Conference in St. Paul, Minnesota in November. The states compared notes on SARA Title III enforcement and ways each found to be effective in ensuring that facilities which need to report, do report. The IERC will host the next Region V conference.

The 2004 LEPC Calendar has been mailed. Key dates are also available at www.in.gov/sema/ierc/meetings.html on the IERC web site.

Destruction of the most publicly visible hazardous material stored in Indiana could get under-

way in 2004. Neutralization of the 1,269 tons of nerve agent VX stored at the Newport Chemical Depot is set to begin this year. It was supposed to get underway in 2003, but technical and legal challenges delayed startup. For those interested, we are setting up a tour of the facility for Indiana Emergency Response Commission members and the Tippecanoe County LEPC. Contact Dave Crose for details.

While VX remains at Newport, the Chemical Stockpile Emergency Preparedness Program (CSEPP) remains vigilant in its efforts to protect the safety of persons living near the facility. A new 800 MHz digital communications system linking the depot, CSEPP counties, Indiana State Police, and the State Emergency Management Agency is now complete and online. The U.S. Army picked up the \$5.5 million price tag.

By the way, if anyone is interested, there are some 2004 CSEPP calendars featuring emergency preparedness tips and children's artwork available. Dave Crose will be able to help you.

My condolences go out to the families of Steve Dillon and Roger Drabenstot on their passing. Steve was the Knox County Emergency Management Director for more than 20 years and served as LEPC Chair. Roger started with the Huntington County Emergency

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LEGAL MATTERS

LEGAL ISSUES WITHOUT LEGALESE

by Brad Gavin, General Counsel for SEMA/DFBS



This column examines legal issues important to the Indiana Emergency Response Commission, Local Emergency Planning Committees, and emergency response organizations. The column's goals are to aid in understanding legal duties and to help solve legal problems before they arise. This column is informational only, and does not constitute legal advice.

How to Lawfully Expend LEPC Funds for Goods and Services



One wonderful aspect of working with the folks who comprise Indiana Local Emergency Planning Committees (LEPCs) is the variety of dedicated volunteers who make up the LEPCs. As a volunteer organization, the LEPC faces a

number of challenges. Among those is the fact that the work may take significant commitments in time and energy. As a result, membership turnover may frequently be high. Sometimes, the accumulated knowledge of the prior LEPC Chair may not be completely shared with the successor Chair.

Over the years, this communications break-down has resulted in the need to revisit some issues frequently. The most recurrent questions involve the method and propriety of making payments for tasks performed for the LEPC, goods sold to the LEPC, and service by LEPC members. These matters are addressed at length in the LEPC Policy Manual. This column's intent is to facilitate understanding of these matters by putting the information all in one place.

The Indiana Emergency Response Commission (IERC) has issued general guidance regarding employment. Persons may be employed to perform specific tasks, but may not be put on a payroll, either full-time or part-time. LEPCs need to examine the situation of persons employed for multiple tasks, since the Internal Revenue Service may regard them as full-time employees, even if they are not so regarded by the LEPC. Further information on the IRS situation is found at Section 5.1 of your LEPC Policy Manual.

The IERC has also issued guidelines specifically with regard to the hiring and paying by LEPCs of their own members, for services or goods. The IERC has

ruled that this activity is proper as long as the correct procedures are followed. For such arrangements to be legal, specific steps must be followed to comply with Indiana Code. These steps are as follows:

1. The LEPC member involved must submit a letter to the Indiana Ethics Commission, describing the work to be done and its cost. The letter must include the statement that the prospective contractor has not and will not participate in any discussion or vote on the contract at issue.

2. After receiving written approval from the State Ethics Commission to enter into the contract, the LEPC member involved must fill out and submit to the LEPC a Uniform Conflict of Interest Disclosure Statement. This form is found at Section 6.3 of your LEPC Policy Manual.

3. The LEPC must vote to approve both the disclosure statement and the contract at a properly posted, open meeting at which a quorum is present, and place on the record the votes of all members. The LEPC member must recuse him/herself from consideration of the matter when the possible payment is discussed by the LEPC. This means that the member must state, on the record, that he/she is not participating in either the discussion or the vote on whether to pay the member for goods or services. Further, the member must state on the record why he/she is not participating. For example, "I am not participating in the consideration of the contract to hire a person to perform the task of updating the plan because I am being considered for employment for that task."

4. Within fifteen (15) days of approval by the LEPC, the Uniform Conflict of Interest Disclosure

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Statement must be filed with the State Board of Accounts (address on back of form) and the Clerk of the LEPC's County Circuit Court.

Money from the Emergency Planning and Right-to-Know Fund may be spent on seven categories of items:

1. Preparing and updating the SARA Title III plan
2. Establishing and implementing procedures for dealing with public information requests
3. Training for emergency response planning, information management, and hazardous materials (HAZMAT) incident response
4. Equipping a HAZMAT response team which provides response throughout the LEPC's district, if the equipment is consistent with team training
5. Purchasing communications equipment for the LEPC's administrative use
6. Paying LEPC members a twenty dollar (\$20.00) meeting stipend
7. Paying for SARA Title III risk communication, chemical-accident related, and accident prevention projects submitted to and approved by the IERC. This statute is found at Section 1.4 of your LEPC Policy Manual

As mentioned above, the LEPC may pay a twenty dollar (\$20.00) meeting stipend pursuant to Indiana Code 6-6-10-7 (b) (6). Some folks have expressed concern that a conflict of interest and "ghost employment" may occur when the payment goes to persons who are otherwise employed by local units of Government, such as local Emergency Management Directors, who attend meetings during time when they are otherwise on duty. Such payments are not unethical from the state's perspective. Any conflict of interest which may arise is at the local level, and should be addressed by local counsel, generally the county attorney. Further information on the twenty dollar stipend payment to LEPC members is found at Section 2.6 of your LEPC Policy Manual.

Please note that LEPC funds MAY NOT be used to pay any sort of salary to any LEPC member. The LEPC Chair MAY NOT legally receive a salary from LEPC funds for his/her service in that position. Only

through specific performance of predefined tasks which have been properly approved, as outlined previously, may any LEPC member receive funds beyond the twenty dollar meeting stipend.

A county may wish to utilize county funds to pay an LEPC Chair for service in that position. Such an expense would be acceptable, so long as the county understands that paying the LEPC Chair does not render him/her under the control of the county. The LEPC remains under the supervision and control of the IERC, and is a state agency for ALL purposes, including control of funds distributed pursuant to Indiana Code 6-6-10. Further information on payments to LEPC members is found at Section 2.3 of your LEPC Policy Manual.

The "moral" of this column is to look first at the Policy Manual when a question regarding LEPC operations comes up. Of course, IERC staff, and your LEPC Field Coordinators in particular, are always ready and willing to assist with any of these matters if you need more clarification.

Do you have a legal question? Call Brad Gavin at (317) 233-4928, and it may form the basis of a future column.

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Management Agency in 1990 as a volunteer, becoming Director in 1997. He was the county's LEPC Chair as well. Both will be missed.

Finally, the Hoosier Safety license plate earned more than \$300,000 for the Emergency Management, Emergency Medical Services, and Public Safety Training Foundation in 2003. That is more than a 110% increase over 2002. The money enabled the Foundation to help with the purchase of nine defibrillators, two thermal imaging cameras, rescue and safety equipment for responders, and educational materials for children and families.

'Til next issue.

FIELD NOTES

by Ian Ewusi-Wilson and Kathy Dayhoff-Dwyer



The Indiana Emergency Response Commission (IERC) and its staff would like to take this opportunity to recognize and thank all **active** Local Emergency Planning Committees (LEPCs) for their continued efforts in maintain-

ing and sustaining their LEPCs. In these times of great uncertainty and demand for emergency services in the realm of awareness and preparedness, it is reassuring that your LEPC's diligence in meeting the statutory requirements of EPCRA/SARA Title III has been and will continue to be invaluable to your community.

So as each LEPC revisits awareness and preparedness while reevaluating its mission/purpose in chemical hazards, we field representatives would like to remind you of some very important calendar dates. On these dates, LEPCs must meet one or more of the 7 funding requirements designated by the IERC. The dates and funding requirements are as follows:

1. January 30 - Legal Notice
2. February 16 - Annual Roster
3. February 16 - Annual Fiscal Report
4. October 15 - Hazardous Materials Plan Updates
5. December 31 (or anytime during the year) - Bylaws
6. December 31 (or anytime during the year) - Annual Exercise
7. December 31 (or anytime during the year) - Meeting Minutes

Please contact either of your Field Representatives if you have any questions about the 7 requirements.

As many of you already know, your LEPC Hazardous Materials Plan is reviewed by the Field Representatives. Many of you have asked that the IERC provide an outline or guidance on the roles and responsibilities of the community emergency coordinator (CEC). Including the duties or responsibilities of the CEC in the emergency plan enhances the SARA Title III requirement of designating a CEC in the plan. Here are some suggestions for these responsibilities in an emergency situation:



1. Contact the on-scene coordinator to assess an emergency situation
2. Establish logistics personnel to address an emergency situation
3. Activate the primary or alternate emergency operations center
4. Activate a countywide emergency communications system linking public and private response agencies
5. Activate the public warning system for evacuation purposes
6. Recommend to the county commissioners/officials that the county emergency plan be activated in the event of a local state of emergency
7. Facilitate overall incident management for the county
8. Facilitate news conference/media coverage of the incident
9. Assure appropriate recording of the incident through proper channels

We know that each county is unique in its administrative procedures, so we hope this guidance is not taken as gospel. Each county may modify this list to meet its emergency plan needs.

As we begin a brand-new year, it is our hope that your LEPC is re-energized and empowered to manage your county's emergency operations. Your IERC Field Representatives would like to leave you with these thoughts:

- The spirit of EPCRA is to provide local governments and the public with information about possible chemical hazards in their communities/counties so that appropriate responses will be instituted by local governments to address accidental chemical releases when they occur.
- County boundaries do not prevent/protect your counties/communities from the hazards of accidental chemical releases from neighboring counties/communities.
- Be aware - "Somewhere in time a disaster lurks. Prepare now!" (Courtesy of the Lake County LEPC).

2003 LEPC AWARDS



Morris Fagner, Pulaski County LEPC, accepts Exercise Award from Sherman Greer



Joseph Warren, Jefferson County LEPC, accepts Planning Award from Sherman Greer



Jerry Hartgrove, Marlene Thrawley, and Marvin Collins, Henry County LEPC, accept award from Sam George



Paul Bergman, Wabash County LEPC, receives two awards from Dean Larson



Lewis Austin, Vanderburgh County LEPC, is presented three awards by Dean Larson

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IERC meeting

Wayne County LEPC: Outreach to the Public

In addition to the LEPC awards, the IERC posthumously conferred the "Chairman's Award of Excellence" on Orville Sullivan, for his longtime and dedicated service as LEPC chair and EMA director for Wells county.

John D. "Jack" Scott, SEMA Area Coordinator, was recognized posthumously by the IERC for "Outstanding Service to Emergency Management and the IERC".

Also recognized for her outstanding service,

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2003 LEPC AWARDS



Rick Karl, USEPA Region V, accepts Special Recognition Award for Sheila Calovich, from Sherman Greer



Dean Larson, Lake County LEPC, accepts four awards to his LEPC from Sherman Greer



Steve Pappas, Johnson County LEPC, accepts his LEPC's three awards from Sam George



John Hooker, III and LEPC Chair Ed VandeSande, Monroe County, accept awards from Sam George



Rand Hooten, Decatur County LEPC, accepts Training Award from Steve Wettschurak



Joe Straw, Posey County LEPC, accepts Plan Exercise Award from Steve Wettschurak

The *SERCULAR* is the newsletter of the Indiana Emergency Response Commission

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For Additional Information Call 1-800-434-9974

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Sheila Calovich of Region V EPA received an award for her “Contributions to the Work of the IERC”.

Ken Rogers, formerly an IERC staff member based in the Indiana Department of Environmental Management (IDEM), was presented the Greg Phillips Award for his long-term service to Indiana’s SARA Title III Program.

In his introduction of Rogers at the 2003 Emergency Responder Conference, IERC member and Policy Committee Chairman Sam George cited the long-term and dedicated service to Indiana’s SARA Title III Program of Rogers, the third Greg Phillips Award recipient in the award’s history.

In his nominating letter to the IERC, Mr. George wrote: “Ken came to the Title III Program in 1988 as an employee of IDEM. In the early days, he worked with each of Indiana’s 92 counties to establish their local committees. He has assisted every local planning committee with planning issues, management issues, and political issues that trouble local groups of volunteers.

“Ken worked at the state level as liaison between IDEM, the IERC, SEMA, EPA Region 5, the State Board of Accounts, and the Department of

Revenue, coordinating a consistent application of IERC policy. Ken wrote the bylaws of the IERC and the model bylaws for LEPCs. Ken has served on every IERC committee, including chairing the IERC’s Policy Committee from 1990-1995. He wrote the majority of IERC policies still in effect today. After leaving the state’s employ, he continued to serve on those committees as an unpaid volunteer for many years.

“Ken wrote the original plan review criteria for Indiana’s LEPCs, and conceived and coordinated the hiring of plan review contractors to evaluate and improve local planning activities. He co-authored the LEPC funding statute and was the primary author of its first expansion and amendment. He served as Chairman of the Monroe County LEPC and as an LEPC member from 1996-2001.

“Ken conceived and coordinated the first LEPC conference and the LEPC awards program. He conceived and produced the IERC’s newsletter, and still serves as Managing Editor of *The SERCULAR*..

“Ken’s contributions to the Title III program in Indiana are truly monumental. He is worthy of the highest recognition the IERC can bestow. We urge the IERC to honor him with the Greg Phillips Award.”

